

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1781-03
Bill No.: Perfected HCS for HB 613
Subject: Courts; Children and Minors; Circuit Clerk; Judges; Family Services Division
Type: Original
Date: March 19, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Statewide Court Automation	\$3,708,333	\$4,450,000	\$0
Total Estimated Net Effect on Other State Funds	\$3,708,333	\$4,450,000	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration – Commissioner’s Office, – Administrative Hearing Commission, Department of Corrections, Department of Labor and Industrial Relations, Department of Revenue, Department of Conservation, Department of Public Safety – Missouri State Highway Patrol, Missouri House of Representatives, Missouri Senate, Office of Secretary of State, and the Office of the State Treasurer** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Attorney General** assume the costs of the proposed legislation could be absorbed within existing resources.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would revise various court administrative sections, including fee payments, filing procedures, cost assessments, and fine collections.

ASSUMPTION (continued)

The legislation would also extend the sunset of the Statewide Court Automation Fund fee from 2004 to 2005. The sunset on the court automation committee is extended to 2011. The fund realized \$4,341,979 in FY 02, and projected to realize \$4,523,956 in FY 03. While CTS cannot predict absolutely the future income to this fund, CTS assumes that it will be approximately \$4,450,000 per year.

The legislation would also modify various provisions relating to the filing of orders of protection, including prohibiting the assessment of filing fees, court costs, or bonds for orders of protection. Because of the low rate of assessment and collection of costs and fees for these cases, this bill would neither cost nor save a significant amount of revenue for the judiciary. (Federal law currently prohibits the assessment of costs and fees to the petitioner.)

Officials from the **Department of Transportation (MoDOT)** assumed Section 510.120 of this legislation provides a mandatory basis for court proceeding continuances, based upon a party or an attorney being a member of the legislature. This section could have a negative fiscal impact on MoDOT, especially if it prevents a case from being tried so MoDOT can recover some funds or expenses. MoDOT was unable to determine the fiscal impact. After further analysis, MoDOT assumes that any court proceeding can be assigned a court date or continuance for a variety of reasons; therefore, this legislation only allows another reason for a continuance and will not cause significant changes to current situations. There is no fiscal impact on MoDOT.

Officials from the **Department of Social Services – Division of Child Support Enforcement (DCSE)** assume this bill, if enacted, would prevent DCSE from performing modifications of judicial child support orders via administrative process. Such prohibition could require DCSE to utilize services of staff attorneys and county prosecuting attorneys for such modifications. This would slow down the process, but DCSE does not expect federal funding to be jeopardized. DCSE has determined that passage of this legislation will not require the commitment of additional resources or require additional FTE. DCSE could perform the modifications with current resources and still be in federal compliance. Therefore, the proposal would have no fiscal impact.

In response to a previous version of this proposal, officials from the **Boone County Treasurer's Office** assumed the proposal would result in a decrease in revenues and a loss of funds from fees taken away. Officials estimated the losses to be \$100,000 per fiscal year.

Oversight has reflected the statewide losses to counties as unknown.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
STATEWIDE COURT AUTOMATION FUND			
<u>Revenues</u> – Office of State Courts Administrator			
Extension of sunset (\$476.055)	<u>\$3,708,333</u>	<u>\$4,450,000</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON STATEWIDE COURT AUTOMATION FUND	<u>\$3,708,333</u>	<u>\$4,450,000</u>	<u>\$0</u>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2004 (10 Mo.)	 FY 2005	 FY 2006
POLITICAL SUBDIVISIONS			
<u>Losses</u> – Counties			
Loss of fees	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation would change various provisions relating to court procedures. In its main provisions, the proposal would:

- (1) Amend the statute on time computation in civil cases to exactly match the corresponding Supreme Court rule;
- (2) Amend the process for filling vacancies of any unexpired term on the executive council of the judicial conference;

BLG:LR:OD (12/02)

DESCRIPTION (continued)

(3) Allow for legislative continuances in court during special and veto sessions and during interim committee assignments;

(4) Eliminate, effective January 1, 2004, any requirement that petitioners for protection orders provide their Social Security numbers on petitions or case documents, although courts may require petitioners to provide the number on confidential case sheets;

(5) Allow a party to a contested case with a state agency to apply to a court for enforcement of a subpoena. Current law allows only the agency to seek court enforcement. The proposal would also allow the agency or any party to intervene in an enforcement action;

(6) Remove the requirement that a transcript judgment be filed with the circuit clerk before a judgment entered by an associate division of the circuit court becomes a lien on real property; and

(7) Require, beginning July 1, 2004, that the names on the master jury list be chosen from certain source lists. The names of potential jurors on the list would not be public record.

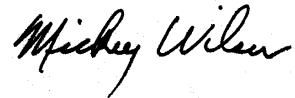
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General
Office of Administration
 – Commissioner's Office
 – Administrative Hearing Commission
Office of State Courts Administrator
Department of Transportation
Department of Corrections
Department of Labor and Industrial Relations
Department of Revenue
Department of Social Services
Department of Conservation
Department of Public Safety
 – Missouri State Highway Patrol
Missouri House of Representatives

SOURCES OF INFORMATION (continued)

Missouri Senate
Office of Secretary of State
Office of the State Treasurer
Boone County Treasurer's Office

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive style with a large, stylized 'M' and 'W'.

Mickey Wilson, CPA
Director
March 19, 2003